

ENTERED

March 25, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOHNNIE	§	CIVIL ACTION No
JEFFERSON,	§	4:24-cv-02003
Plaintiff,	§	
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
ZB, NATIONAL	§	
ASSOCIATION,	§	
Defendant.	§	

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Plaintiff filed her third lawsuit against Defendant in Texas state court seeking unjust enrichment and equitable relief related to the foreclosure on her property. Dkt 1-3. Defendant removed the case. Dkt 1. The matter was referred for disposition to Magistrate Judge Christina A. Bryan. Dkt 7.

Pending is a Memorandum and Recommendation by Judge Bryan dated January 27, 2025. Dkt 34. She recommends that the motion by Defendant to dismiss this action be granted and that the case be dismissed with prejudice because Plaintiff failed to plead facts to support a claim for unjust enrichment. Also pending are objections filed by Plaintiff, as well as a purported notice of non-suit. Dkts 38 & 40.

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other portions to which there's no objection if satisfied that no

clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

Upon *de novo* review and determination, the objections are determined to lack merit. The Memorandum and Recommendation clearly details the pertinent facts and correctly applies controlling law.

No clear error otherwise appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law.

The objections by Defendant to the Memorandum and Recommendation of the Magistrate Judge are OVERRULED. Dkt 38.

The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 34.


The motion to dismiss by Defendant is granted. Dkt 14.

The purported notice by Plaintiff seeking non-suit (and thus, dismissal without prejudice) is DENIED AS MOOT. Dkt 40.

This is a FINAL JUDGMENT.

SO ORDERED.

Signed on March 24, 2025, at Houston, Texas.


Hon. Charles Eskridge
United States District Judge